



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,784	08/24/2001	Brian D. Ryder	COMP:0235	2946

7590 11/16/2004

INTELLECTUAL PROPERTY ADMINISTRATION

Legal Department, M/S 35
PO BOX 272400
FT. COLLINS, CO 80527-2400

EXAMINER

CHUNG, DANIEL J

ART UNIT	PAPER NUMBER
----------	--------------

2672

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/938,784	Applicant(s) RYDER, BRIAN D.	
	Examiner Daniel J Chung	Art Unit 2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 and 33-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 and 33-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-26 and 33-37 are presented for examination. Claims 27-32 have been cancelled and claims 33-37 have been added by the amendment filed on 6-14-2004. This office action is in response to the amendment filed on 6-14-2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-26 and 33-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Brownlee (6,282,303).

Regarding claim 1, Brownlee discloses that the claimed feature of a user input device comprising: a fingerprint scanner [i.e. "transparent roller"; 920, to acquire a fingerprint of user; See col 4 line 44-45]; and a driver operably coupled to the fingerprint scanner to enable the fingerprint scanner [920] to perform a function, wherein the function comprises at least one of a zoom function ["zooming wheel"; 920, See col 4 line

Art Unit: 2672

54, col 10 line 48-49]and a hot-key function. (See Abstract, Fig 1-3, Fig 9-11, col 1 line 46-67)

Regarding claim 2, Brownlee discloses that the fingerprint scanner comprises a CCD array. (See col 3 line 38)

Regarding claim 3, Brownlee discloses that the driver is operable to configure a computer associated with the fingerprint scanner to switch between a security mode [i.e. "security logic"; 1480] and the function [i.e. "cursor control software"; 1420. (See Fig 12, Fig 14)

Regarding claim 4, Brownlee discloses that the software driver configures the computer to operate in a security mode while simultaneously performing at least one of the zoom function, and the hot-key function. (See col 7 line 35-37)

Regarding claim 5, Brownlee discloses that the fingerprint scanner is disposed on a PCMCIA card. (See Fig 6)

Regarding claim 6, Brownlee discloses that the fingerprint scanner comprises a USB interface. (See Fig 6)

Regarding claim 7, Brownlee discloses that the fingerprint scanner is disposed on a mouse. (See Fig 9-10)

Regarding claim 8, Brownlee discloses that the fingerprint scanner is disposed on a dumb terminal. (See Fig 1, Fig 3, Fig 9-11)

Regarding claim 9, refer to the discussion for the claim 1 hereinabove, Brownlee discloses that the claimed feature of a computer system comprising: a processor [601]; a fingerprint scanner [902] operably coupled to the processor [601]; and a driver to configure the fingerprint scanner to perform at least one of a zoom function ["zooming"], and a hot-key function. (See Abstract, Fig 1-3, Fig 9-11, col 1 line 46-67)

Regarding claim 10, Brownlee discloses that the processor is disposed on a CPU. (See Fig 6)

Regarding claim 11, Brownlee discloses that a first bridge unit coupled to the CPU; and an first expansion bus coupled to the first bridge unit. (See Fig 6)

Regarding claim 12, Brownlee discloses that the fingerprint scanner [i.e. 607] is coupled to the first expansion bus [609]. (See Fig 6)

Regarding claim 13, Brownlee discloses that a second bridge unit coupled to the first expansion bus; and a plurality of secondary expansion busses coupled to the second bridge unit. (See Fig 6)

Regarding claim 14, Brownlee discloses that the fingerprint scanner is disposed on at least one of the plurality of secondary expansion buses. (See Fig 6)

Regarding claim 15, Brownlee discloses that a display coupled to the first bridge unit. (See Fig 6)

Regarding claim 16, Brownlee discloses that the computer system is coupled for a network having a plurality of devices coupled thereto. (See col 2 line 54)

Regarding claim 17, refer to the discussion for claim 1 hereinabove, Brownlee discloses that the claimed feature of a method of operating a fingerprint scanner [902] comprising the acts of: (a) configuring a computer to perform at least one of a zoom ["zooming"] function and a hot-key function in response to signals generated by the fingerprint scanner; and (b) generating signals based on input to the fingerprint scanner wherein the input to the fingerprint scanner comprises at least one of a unique image and motion. (See Fig 1, Fig 2, Fig 4, Abstract, col 3 line 39-48)

Regarding claim 18, Brownlee discloses that monitoring the computer system to determine if a need arises to configure the computer for security mode; and configuring the computer for security mode when the need arises. (See Fig 12, Fig 14)

Regarding claim 19, Brownlee discloses that the act of pressing an alternate select key to configure the computer to perform at least one of the zoom function and a hot-key function. (See Fig 1, Fig 2, Fig 4, Fig 11, Abstract, col 3 line 39-48)

Regarding claim 20, Brownlee discloses that the act of tapping the fingerprint reader to configure the computer to perform at least one of the zoom function and the hot-key function. (See Fig 1, Fig 2, Fig 4, Fig 11, Abstract, col 3 line 39-48)

Regarding claim 21, Brownlee discloses that the act recognizing an acquired fingerprint as corresponding to the appropriate function to configure the computer to perform at least one of the zoom function and the hot-key function. (See Fig 1, Fig 2, Fig 4, Fig 11, Abstract, col 3 line 39-48)

Regarding claim 22, refer to the discussion for the claim 1 hereinabove, Brownlee discloses that the claimed feature of a method of manufacturing a computer system comprising the acts of: (a) providing a fingerprint scanner [902]; (b) providing a processor [601]; (c) operably coupling the fingerprint scanner to the processor; and (d) providing software that configures the processor to interpret signals from the fingerprint

scanner as at least one of a zoom function and the hot-key function. (See Fig 1, Fig 2, Fig 4, Abstract, col 3 line 39-48)

Regarding claim 23, Brownlee discloses that the claimed feature of method a method of using a fingerprint scanner configurable to control one of a zoom function and a hot-key function, the method comprising the act of: moving a finger on the fingerprint scanner to cause the one of a zoom function and a hot-key function. (See Abstract, Fig 2)

Regarding claim 24, Brownlee discloses that the act of pressing an alternate select key while simultaneously placing a finger on the fingerprint scanner. (See Fig 1, Fig 2, Fig 4, Fig 11, Abstract, col 3 line 39-48)

Regarding claim 25, Brownlee discloses that the act of tapping a finger on the fingerprint scanner. (See Fig 2)

Regarding claim 26, refer to the discussion for the claim 1 hereinabove, Brownlee discloses that the claimed feature of a computer system comprising: means for configuring a computer to perform at least one of a zoom function and a hot-key function in response to signals generated by the fingerprint scanner; and means for generating signals based on input to the fingerprint scanner wherein the input to the

fingerprint scanner comprises at least one of a unique image and motion. (See Fig 1, Fig 2, Fig 4, Abstract, col 3 line 39-48)

Regarding claim 33, discloses that the function further comprises at least one of a select function and a scrolling function ["scrolling"]. (See Fig 2, Fig 9, col 4 line 40-43]

Regarding claim 34, claim 34 is similar in scope to the claim 4, and thus the rejection to claim 4 hereinabove is also applicable to claim 34.

Regarding claim 35, claim 35 is similar in scope to the claim 33, and thus the rejection to claim 33 hereinabove is also applicable to claim 35.

Regarding claim 36, claim 36 is similar in scope to the claim 33, and thus the rejection to claim 33 hereinabove is also applicable to claim 36.

Regarding claim 37, claim 37 is similar in scope to the claim 33, and thus the rejection to claim 33 hereinabove is also applicable to claim 37.

Response to Arguments

Applicant's arguments, see Remarks p.10 line 11-14, filed 6-14-2004, with respect to the rejection(s) of claim(s) 1,9,17,22 and 26 under 35 U.S.C. 103(a) as being unpatentable over Dunton (6,337,919) in view of Senior (6,400,836) have been fully

Art Unit: 2672

considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of Brownlee (6,282,303). See rejection hereinabove.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (703) 306-3419. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

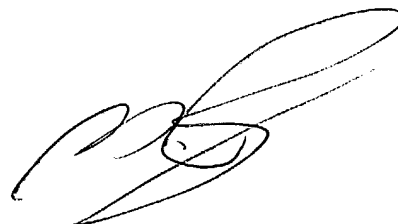
(703) 872-9306 (Central fax)

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the Technology Center 2600 Customer Service Office
whose telephone number is (703) 306-0377.

djc
November 1, 2004

A handwritten signature in black ink, appearing to read 'Michael Razavi', with a large, stylized flourish at the end.

**MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**